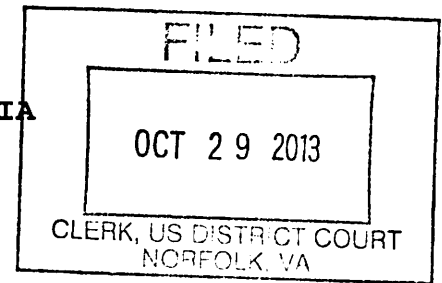


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



COREY RAYNARD WOODSON,

Petitioner,

v.

HAROLD W. CLARKE, Director,
Virginia Department of
Corrections,

Respondent.

Case No.: 2:12-cv-507

FINAL ORDER

Before the Court is a Petition for a Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss. In his Petition, the *pro se* Petitioner alleges due process violations, that the testimony of a juvenile witness was "incredible" and "unworthy of belief," that the trial court erred in failing to examine this witness before she testified, prosecutorial misconduct, and ineffective assistance of counsel.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation filed on August 19, 2013, the Magistrate Judge

recommended the Motion to Dismiss be granted and the Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. No timely objections were filed and the Court therefore entered an Order on September 13, 2013 adopting and approving the Report and Recommendation. The Order further granted Respondents' Motion to Dismiss and dismissed the petition with prejudice.

Subsequently, on September 16, 2013, the Court received Petitioner's Motion for Extension of Time which requested additional time within which to file his objections to the Report and Recommendation. Due to this filing, the Court entered an Order on September 27, 2013 vacating its Order approving the Magistrate Judge's Report and Recommendation which was entered on September 13, 2013 and granted Petitioner an extension of twenty (20) days within which to file his written objections to the Report and Recommendation.

On October 3, 2013, the Court received and filed Petitioner's Objection to Report and Recommendation (ECF No. 22).

Having reviewed the record and the objections filed by Petitioner, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and

APPROVES the Report and Recommendation, ECF No. 17, in its entirety as the Court's own opinion. Accordingly, the Court **GRANTS** the Respondents' Motion to Dismiss, ECF No. 8, and **DENIES** and **DISMISSES** the Petition, ECF No. 1, **WITH PREJUDICE**.


The Court further notes that it received Petitioner's Notice of Appeal on October 18, 2013. In his Notice of Appeal, Petitioner noted that he was appealing the "decision rendered in the Report and Recommendation of the District Court for the Eastern District of Virginia, entered in this case on September 13, 2013, by the Honorable Lawrence R. Leonard, United States Magistrate Judge." As noted above, the Order entered on September 13, 2013 was vacated by the Court's Order entered on September 27, 2013 to allow Petitioner time to file his objections to the Report and Recommendation. Those objections were filed on October 3, 2013 and have been considered by the Court. Therefore, the Court will note Petitioner's appeal of **this** Final Order which adopts and approves the Magistrate Judge's Report and Recommendation and dismisses his petition with prejudice.

The Petitioner is notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street,

Norfolk, Virginia 23510, within thirty days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Final Order to the Petitioner and counsel of record for the Respondent.

It is so **ORDERED**.



Mark S. Davis
United States District Judge

Mark S. Davis
United States District Judge

Norfolk, Virginia

Date: October 28, 2013